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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,228	11/21/2000	Denise L. Draper	337298002US	8365

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
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2177

10

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/718,228

Applicant(s)

DRAPER ET AL.

Examiner

Greta L. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 52-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-64 are pending in this application. Claims 52-64 are withdrawn from consideration; and claims 11 and 18 have been amended.

Election/Restrictions

2. Applicant's election without traverse of claims 1-51 in Paper No. 8 is acknowledged.

Drawings

3. The drawings were received on February 11, 2004. These drawings are not approved because figure 2 is not in compliance with 37 CFR 1.84(p)(4). Note objection below as cited in the last correspondence mailed August 19, 2003.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "211, 212, 213, 220, 221 and 232" has been used to designate multiple views, note figure 2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 4 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 4 and 19, the data type definition of XML is vague and unclear [note: claims 4 and 19]. It is unclear as to how the claim limitation of the data type relates to the example in the disclosure. Steps appear to be missing.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1-3, 5-17, and 20-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Yalcinalp (US Patent 6,507,857 B1).

Regarding claim 1, **Yalcinalp** teaches a computer-readable medium containing a data structure defining a query definition [abstract], the data structure including:

a query specification including query text and parameters, the parameters having values that may be set when the query definition is executed [see: define external component to XSLT processor step 505 and step 525 pass arguments defined, figure 5; col. 7 lines 34-44 “various parameters and arguments may be associated with the component”];

a results transform that transform results of executing the query specification into a canonical format [see: element 106 transformation engine figure 1; col. 8 lines 49-61];
and

a data source identifier that identifies a data source to be used when the query specification is executed [note: figure 2; col. 5 lines 7-60].

9. Regarding claims 2-3 and 5-10:

“wherein the results transform is an XSL transform” ... “wherein the data structure is represented in XML format” ... “wherein the data structure includes a name ... a description ... an author ... date last modified ... can be used for different applications” [note: figure 2; col. 2 lines 23-64; col. 6 line 43 through col. 7 line 13].

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10. Regarding claims 11-17, the limitations have been addressed above in claims 1-3 and 5-10, except for the following: "transforming the generated results in the raw format to a canonical format" ... "updating the value of the parameter wherein the value is stored with the query specification" [see: note transformation steps figure 6 steps 305 and 310; figure 4 step 425; col. 6 line 43 through col. 7 line 26].

11. Regarding claim 20, "computer-based method for performing queries ... under control of different application programs ... receiving an indication of a query definition" [see: col. 4 lines 61-67].

12. Regarding claims 21-26 and 27-34 the limitations parallel claims 11-17 and 1-10; therefore they are rejected under the same rationale.

13. Regarding claim 35, "receiving a query definition that includes a query specification ... requesting execution of the query definition to generate results" [note: figure 3-5].

14. Regarding claims 36-44, the limitations have been addressed above except for the following: "wherein the query definition is a lens file ... a single file" [note: XML document col. 5 lines 7-67].

15. The limitations of claims 45-51 have been addressed above in claims 1-3 and 5-10; therefore they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

17. Claims 4, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yalcinalp (US Patent 6,507,857 B1) in view of Chen et al. (US Patent 6,507,856 B1).

Claim 4, Yalcinalp teaches the invention substantially as applied to claims 1; however Yalcinalp does not specifically teach wherein the data structure conforms with

the data type definition of XML as cited in the algorithm. Chen teaches an algorithm that conforms to the XML data type definition [note: DTD parser 315 and merge algorithm 335, cover figure]. It would have been obvious to one of ordinary skill at the time of the invention to have used Chen's merge algorithm because it would allow efficient mapping of the XML values.

18. Regarding claims 18 and 19, Yalcinalp does not specifically show a table of elements with one or more rows. Chen depicts this feature [note: figure 8]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Chen with Yalcinalp because Chen shows how the mapped elements are saved and arranged in a table.

Response to Arguments

19. Applicant's arguments filed February 11, 2004 have been fully considered but they are not persuasive.

(a) In the response Applicant argued claims 4 and 19 are not vague and/or unclear. Applicant states the use of a data type definition is some what analogous to the use of a mathematical equation in a claim because the equation describes very precisely the mathematical operation to be performed. An XML data type definition defines a precise syntax for a data structure, as is well known in the art.

The Examiner agrees with Applicant that XML data type definitions are well known. What is unclear is the connection between the cited claim code and the example or theorem defined in the disclosure (see: Tables 3 and 4 on page 9-10). Note, claim 4 lines 3-13 which include a defined code of text for the claimed data type definition of XML, these cited portions do not appear to correspond to the code on page 9 Table 3 of the disclosure. Applicant only appears to claim portions of the example code in Table 3. Claim 19 appears to cite portions of the code given in Table 4 on page 10.

(b) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a technique for *encapsulating* a query definition that includes a query specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(c) Applicant argues in rejecting claim 1, the Examiner states "a data source identifier that identifies a data a source to be used when the query specification is executed [note: figure 2; col. 5 lines 7-60]" (Office Action, August 19, 2003 page 5); but it is not clear as to what element is the data source in Yalcinalp.

In response to Applicant's argument the Data source identifier is the XSTL processor, which corresponds to element 205 in figure 2. The data source would then be the document. Note, column 5 lines 46-47 which reads as follows:

The XSLT processor 205 will recognize, by examining the document request, an associated style sheet.

The data structure is the style sheet note step 305 in figure 3 and the abstract.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (703) 308-7565. The examiner can normally be reached on Mon.-Fri. 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GRETA ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
April 23, 2004